

## APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

Accession to the Geneva Act of the Lisbon Agreement

and

Publication of the Regulation (EU) 2019/1753 of the European Parliament and the Council

It was published on 24 October in the Official Journal of the European Union, the Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, **which entered into force on 13 November.**

We must praise this initiative of the European Union to promote a more effective protection of industrial property rights, in particular of Appellations of Origin and Geographical Indications that became an industrial property right after registration. This European Union's action is a response to some concerns felt in this area and provides more concerted, equal and comprehensive treatment. The registration of Appellations of Origin and Geographical Indications in the international register gives them an intense protection, since the contracting parties are bound to protect them in their legal systems, ensuring the supply of quality products, the fair competition and the consumer protection. In addition, the international registration of the Appellations of Origin and Geographical Indications, which reflects its significant cultural and economic value, contributes to

promoting rural development and new job opportunities in production, processing and other related services.

### THE LISBON AGREEMENT

The Lisbon Agreement is an international instrument administered by the World Intellectual Property Organization (WIPO) in order to protect, at international level, the Appellations of Origin. This agreement was signed on 18 October 1958 and the contracting States are Bulgaria, Czech Republic, Slovakia, France, Hungary, Italy and Portugal. Greece, Romania and Spain have also signed this agreement, but they did not ratify it.

### THE GENEVA ACT

The Geneva Act, adopted on 20 May 2015, **expanded the protection afforded by the Lisbon Agreement to Geographical Indications and introduced the possibility of international organizations become part of the Lisbon Union**, since the Lisbon Agreement only provided the possibility of States become a member.

The Geneva Act has 20 States as contracting parties, including third countries to European Union.

The Appellations of Origin and Geographical Indications correspond to a geographical name (country/region/place) intended to inform the consumer of the provenance of a product and to ensure that the product maintain certain specific characteristics and qualities of its region of origin. The relation with the region of origin is more intense in the

case of the Appellations of Origin, since, in these cases, the qualities and characteristics of the products derives from human factors and natural conditions (for example, Port Wine).

In Geographical Indications, it is enough that the reputation or various qualities or characteristics can be associated with the region of origin, without the influence of human and natural factors (for example “*ovos-moles*” from Aveiro). Handmade products with geographical reference also can be protected as geographical indication if it is a product with cultural importance and this product fulfill a set of requirements (for example, Embroidery from Viana do Castelo).

On 25 October 2017, the Court of Justice of the European Union decided that the European Union has the exclusive competence for the areas covered by the Geneva Act. As a result, the European Council approved, on 7 October 2019, the European Union’s accession to the Geneva Act of the Lisbon Agreement by Decision (EU) 2019/1754. This decision also authorized Member States to ratify the Geneva Act or accede to it in the interest of the European Union and in full respect of its exclusive competence.

The Regulation (EU) 2019/1753 lays down the rules and procedures concerning the European Union’s action and establishes that the Member States which are already parties to the Lisbon Agreement should be allowed to remain as such, in particular to ensure the continuity of rights granted under, and the fulfilment of obligations laid down in, that agreement.

## CONCLUSION

The European Union’s accession to the Geneva Act requires that the European Commission adopts a more active and controlling attitude. The Regulation gives competence to European Commission to register geographical indications and appellations of origin for products originating in the European Union with the International Office of the WIPO. Now, the European Commission also has competence to request the International Office of the WIPO to withdraw geographical indications and designations of origin of Member States that are already registered in the international register, to evaluate geographical indications and appellations of origin of third countries that have been registered under the Geneva Act and to oppose applications for the registration of new geographical indications and designations of origin of third countries in the international register.



RITA GABRIEL PASSOS  
[ritapassos@pintoribeiro.pt](mailto:ritapassos@pintoribeiro.pt)

[www.pintoribeiro.pt](http://www.pintoribeiro.pt)

